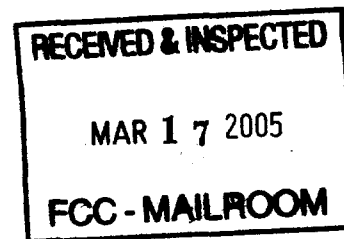


DUCKET FILE COPY ORIGINAL

Linda A. Davidson
1434 24th Street
Santa Monica, CA 90404
310-392-4629
ladavidson@usa.net



March 15, 2005

Secretary
Federal Communications Commission
Washington., DC 20554

Linda Davidson respectfully files the enclosed: Petitioner's Response to Deny or Dismiss Petition for Rulemaking with the Commission.

She also wishes to inform the Commission of a change in her mailing address to the address listed above. Mail sent to her old address (2134 Oak St, Unit C, Santa Monica, CA 90405) is being forwarded to her new address.

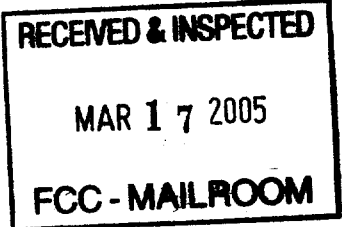
Respectfully submitted,

A handwritten signature in cursive script that reads "Linda A. Davidson".

Linda A. Davidson

No. of Copies rec'd 0+4
List ABCDE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554



In the matter of)
Amendment of Section 73.202 (b)) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations) RM- _____
(Milner, Georgia))
(Ellaville, Georgia))
(Plains, Georgia))

To: Secretary
Attn: Chief, Media Bureau, Audio Division

**PETITIONER'S RESPONSE TO MOTION TO DENY OR DISMISS PETITION FOR
RULEMAKING**

Linda A. Davidson ("Petitioner") respectfully submits her response to the above motion, filed by Southern Broadcasting ("Southern") on August 3, 2004.

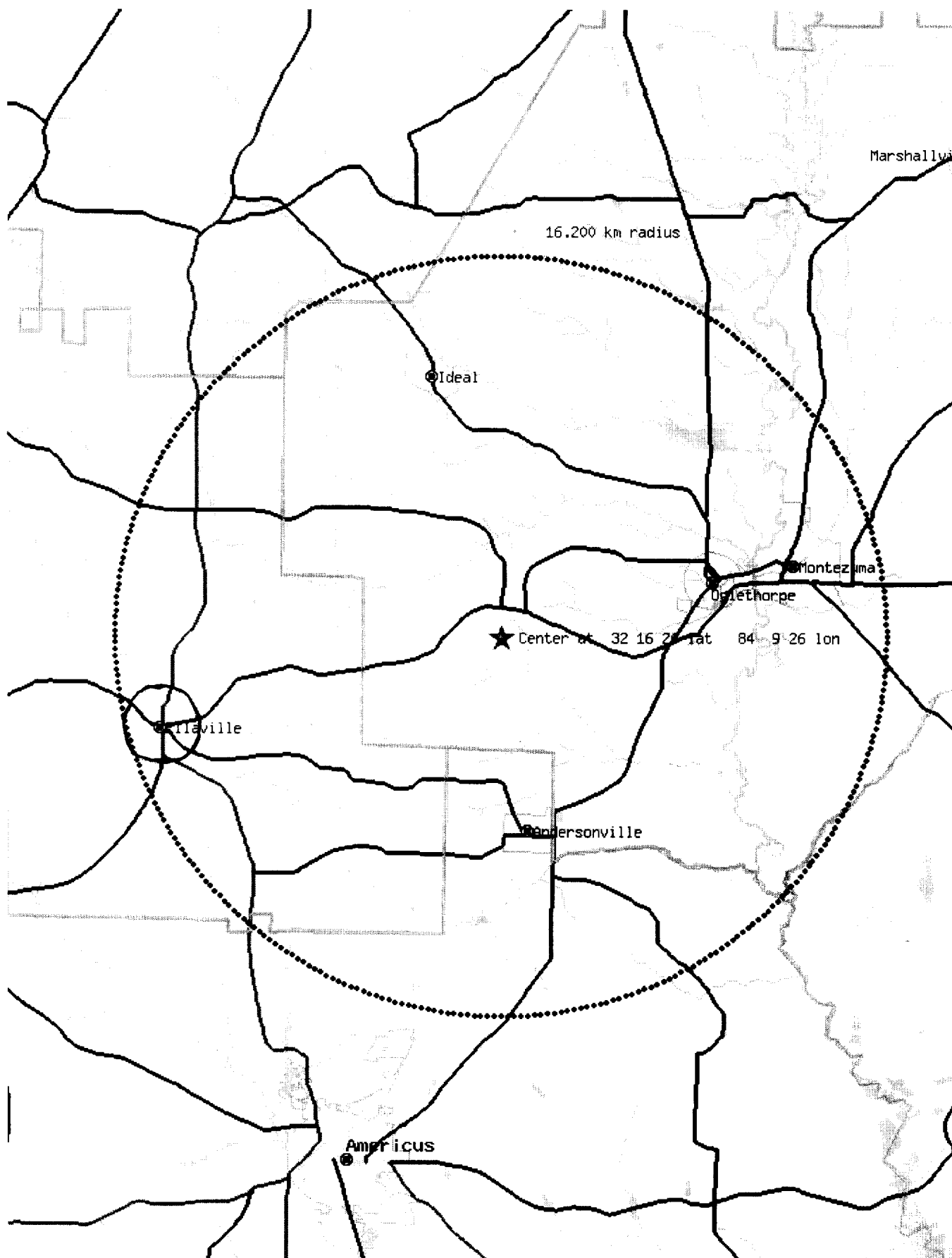
1. Southern bases their motion on the following items, which petitioner will address one at a time.
2. First, Southern claims that petitioner's rulemaking petition is defective because the FAA would not approve a tower at the reference coordinates for replacement FM channel 232 A at Ellaville, GA. Unfortunately for Southern, on September 11, 2004 the FAA issued a Determination of No Hazard to Air Navigation for the reference site. Indeed, Southern was forced to notify the Commission of this fact themselves.
3. Next, Southern claims that the petition should be dismissed because petitioner did not express interest in the proposed replacement channel at Ellaville. The reason for this is simple: Petitioner proposed to REPLACE an existing vacant FM channel with a different one. The original channel was allotted to Ellaville in another earlier rulemaking. In this rulemaking, the original petitioner already expressed interest in an FM channel at Ellaville. That rulemaking was closed some time ago. Southern's logic here is frankly puzzling to petitioner.
4. Southern now claims that the proposed replacement channel at Ellaville, channel 232A does not cover 100% of Ellaville from the reference coordinates specified. Attached is a map which clearly shows that a 16.2 kilometer city grade circle literally overlaps the corporate boundary of Ellaville. Additionally, petitioner has provided a topographic map which shows there are no buildings or population within the area in question. This area is shown on the topographic map to be low lying wetlands. However, should the Commission buy Southern's argument, petitioner wishes to remind the Commission that in paragraph #6 of the Petition for Rulemaking, petitioner stated that Ellaville is 100% city grade covered by the proposed Plains allotment as well. In other words, the Milner allotment can still be granted by simply changing the reference coordinates of the existing Ellaville channel, FM channel 290A. Attached is a second circle plot clearly showing that 100+ percent of Ellaville is covered by the use of (the existing) FM channel 290A at the coordinates given in the Rulemaking Petition for Plains. Given the choice of the Commission allotting a channel at either Plains or Milner, petitioner would respectfully request the Milner allotment be granted.

5. The final claim by Southern frankly borders on the absurd. Southern claims that the original Petition for Rulemaking should be dismissed because it did not include a cover letter to the Commission's Secretary. Petitioner wishes to remind the Commission that she mailed the Rulemaking Petition to the Secretary in the first place. Petitioner has mailed dozens of filings with the Commission's Secretary and never once sent a cover letter. Each and every one of these filings has been accepted and acted upon (mostly in a favorable way) by the Commission. This clearly shows that this "Infraction" is a red herring at best and a microscopically small infraction at the worst. Clearly, it would be wrong for the Commission to dismiss based upon this "problem".
6. The question the Commission might be asking itself is why Southern wants this Rulemaking Petition dismissed so badly. Petitioner offers that she knows the reason why. Last summer she received a telephone call from a man identifying himself as a principal of Southern Broadcasting. He requested that she dismiss the Milner rulemaking petition so they could move a transmitter site for a station they own. That station has been identified by petitioner as WNGC, Toccoa, GA (2000 population 9323) operating on FM channel 291C1. Apparently, Southern wishes to move their station closer to Atlanta which is precluded by the proposed channel 290A Milner allotment. Attached is the licensed 60 dbu coverage of WNGC. The proposed Milner allotment is almost due south of the WNGC transmitter site. Petitioner stated she would consider this if Southern could find a replacement channel at Milner. They could not. Clearly, the Commission would find that first aural services in two communities more in the public interest than moving an existing FM station closer to a bigger city. Thus, it was necessary to get the Milner allotment dismissed by any means possible. This is the reason for Southern's "Grabbing at straws" like they have. Petitioner hopes that the Commission will see through this façade and issue a Notice of Proposed Rulemaking for the communities of Milner and Plains, Georgia.
7. Petitioner hereby verifies and affirms under the penalty of perjury that the statements given in this response are hers, and are accurate to the best of her knowledge.

Respectfully submitted



Linda A. Davidson
1434 24th St
Santa Monica, CA 90404
March 15, 2005



topozone



VIEW MAPS

GET DATA

MY TOPOZONE

WEB SERVICES

ABOUT US

Map/Photo Info

Topo Download

Photo Download

USGS Topo Maps

- ☒ 1:24K/25K Series
- ☐ 1:100K Series
- ☐ 1:250K Series

Map Size

- ☐ Small
- ☐ Medium
- ☒ Large

View Scale

1 : 50,000

Update Map

Coordinate Format

UTM

Coordinate Datum

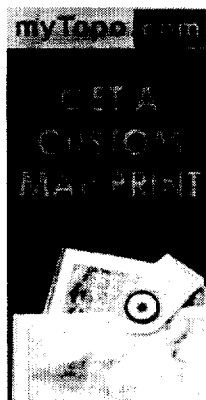
WGS84/NAD83

☒ Show target

Email this map

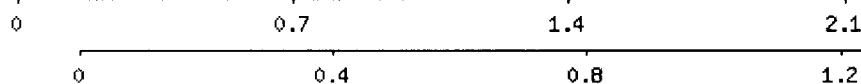
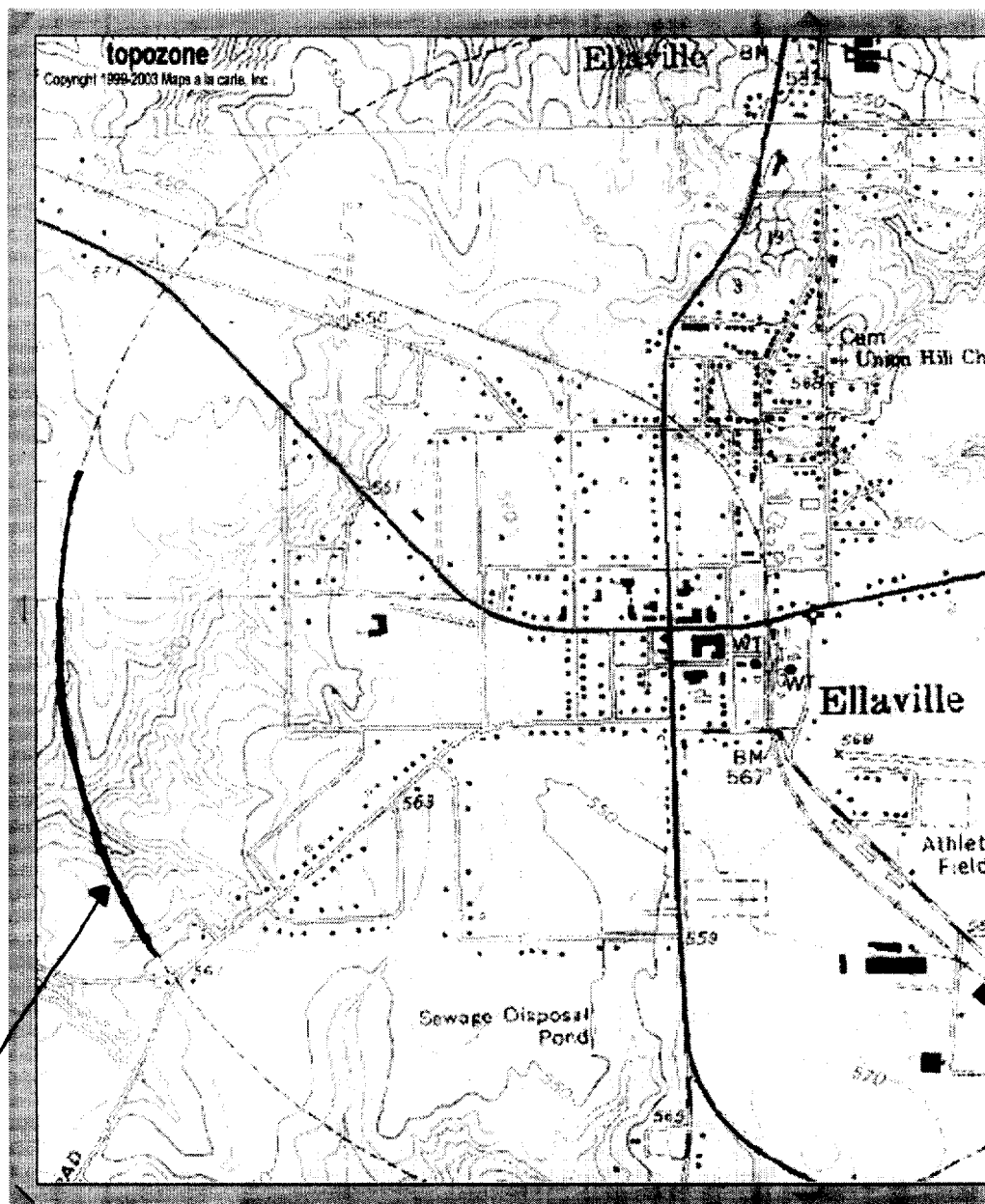
Bookmark this map

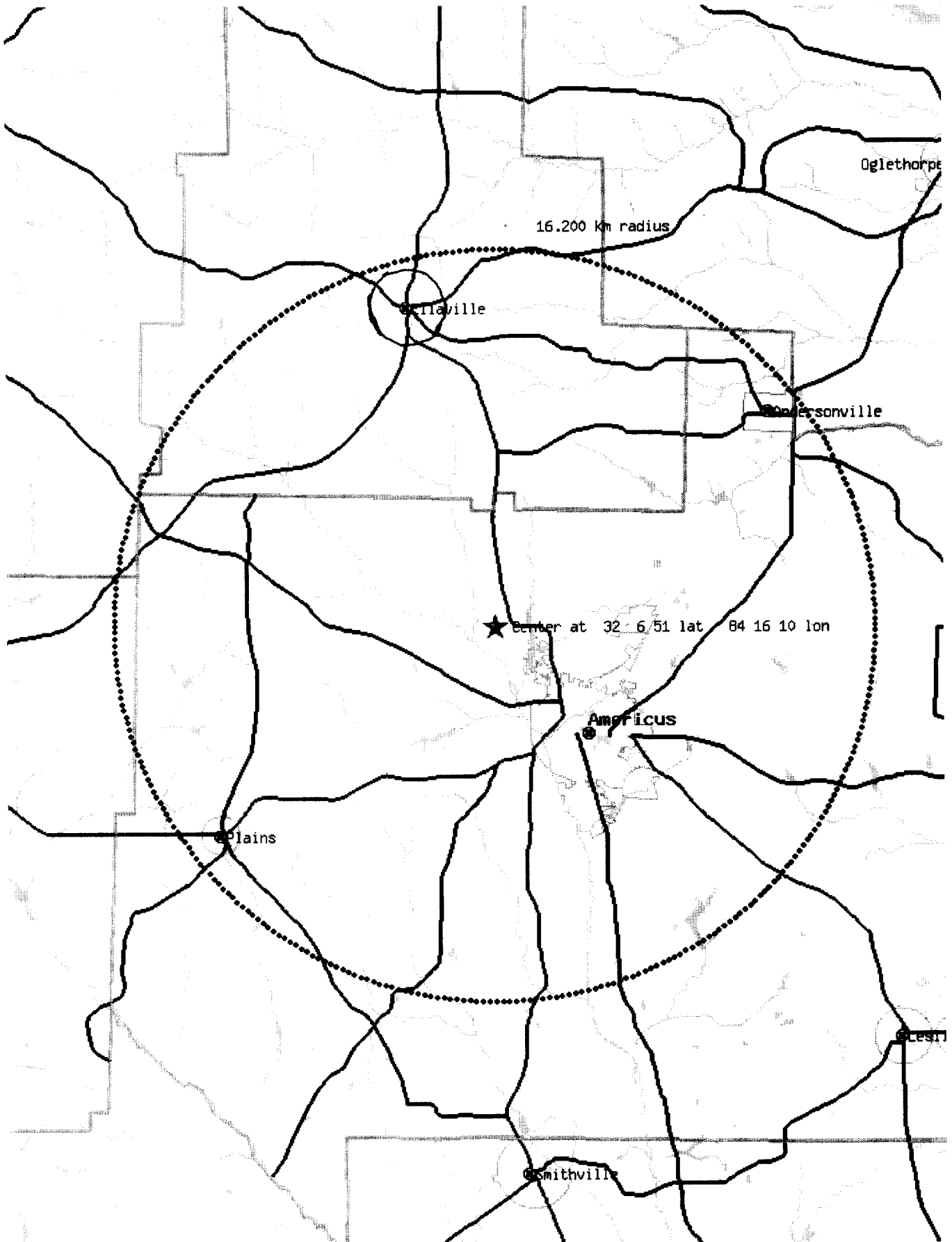
Print this map

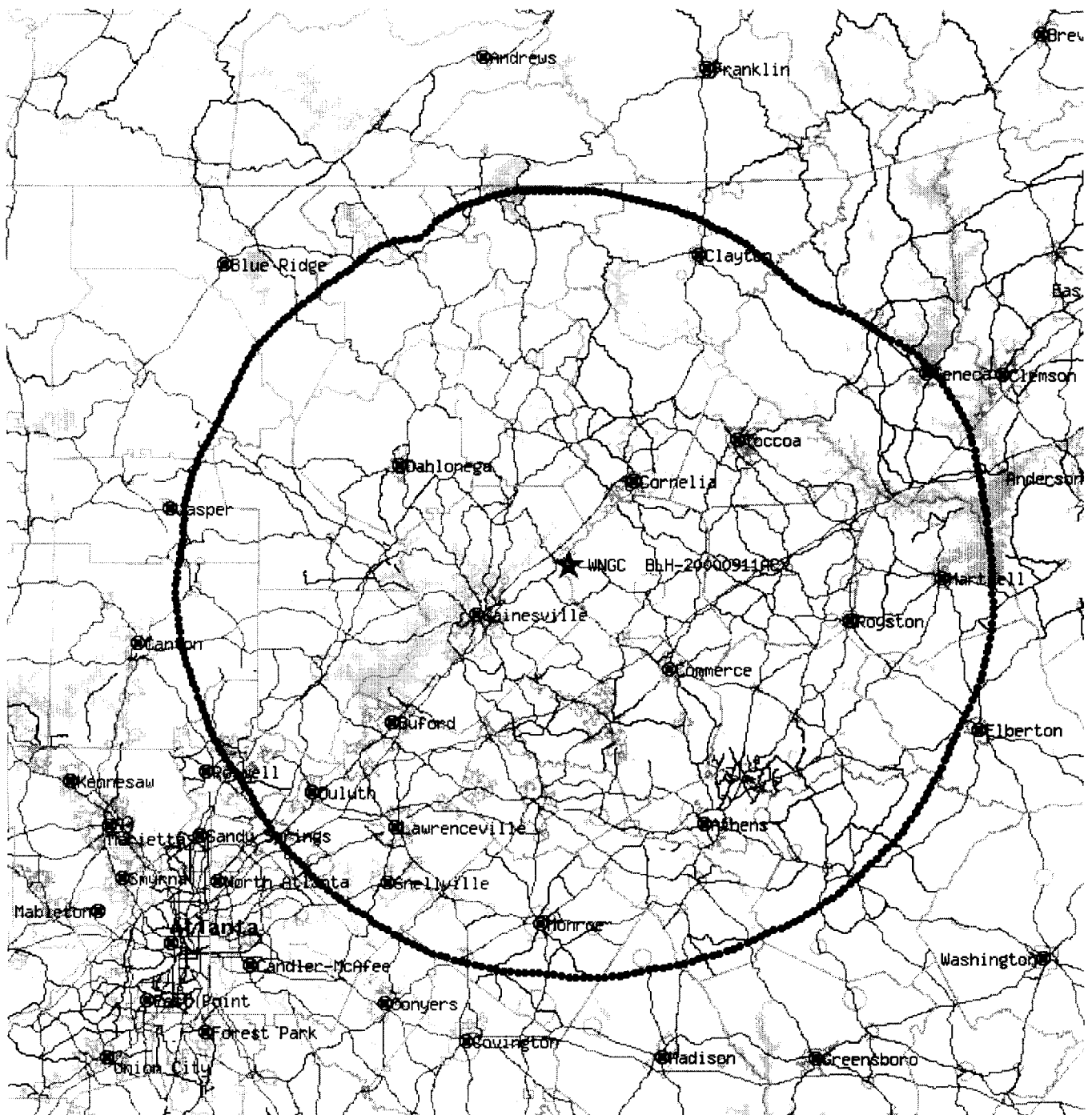


Area in
Question

UTM 16 753939E 3570054N (WGS84)
USGS **Ellaville South** Quad
View *TopoZone Pro* aerial photos, shaded relief, street maps, interact







LEGEND

State	Military Area
County	National Park
Lake/Pond/Ocean	City
Expressway	County
Highway	
Connector	
Stream	

Scale 1:840767

10 15 110 115 120 125 130 mi
0 10 20 30 40 50 km

*average--true scale depends on monitor resolution

WNGC

GA TOCCOA

USA

60 dBu service c

Licensee: SOUTHERN BROADCASTING OF PENSACOLA, INC
Service Designation: **FM** 'Full Service' FM station or application

Channel/Class: 291C1 Frequency: 106.1 MHz Licensed
File No.: BLH-20000911ACX Facility ID number: 60810
CDBS Application ID No.: 522515

FM Query: Detailed Record for this map All current records for WNGC

CDBS: Station Info Application Info Mailing Address Assignments and Tran
Application List CDBS Search Page Ownership Info EEO
Site: Region Map Area Map Local Map
Area: Service Contour Map (60 dBu) Alternate Map Link

General Information about the FM and TV Service Area Maps

[FCC Home](#) | [Search](#) | [Updates](#) | [E-Filing](#) | [Initiatives](#) | [For Consumers](#) | [Find People](#)

Please send comments via standard mail to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, S.W., Washington, D.C., 20554. Questions can also be answered by calling the FCC's National Call Center, toll free, at 1-888-Call FCC (1-888-225-5322).

Federal Communications Commission
445 12th Street SW
Washington, DC 20554
More FCC Contact Information...

Phone: 1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 1-866-418-0232
E-mail: fccinfo@fcc.gov

- [Web Policies & Privacy Statement](#)
- [Required Browser Plug-ins](#)
- [Customer Service Standards](#)
- [Freedom of Information Act](#)

CERTIFICATE OF SERVICE

I, Linda A. Davidson hereby certify that a true and correct copy of the foregoing

“Petitioner’s Response to Motion to Deny or Dismiss Petition for Rulemaking”

Was sent on this 15th day of March, 2005 via first class United States Mail, postage prepaid, to the following:

Howard M. Weiss
Fletcher Heald & Hildreth PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209-3801
(Counsel for Southern Broadcasting Companies, Inc.)

Robert Hayne, Esquire
Audio Division, Media Bureau
Room 7-C485
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

A handwritten signature in cursive script that reads "Linda A. Davidson". The signature is written in black ink and is positioned above a horizontal line.

Linda A. Davidson